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ADMINISTRATION AND
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28 DEC 2007

MEMORANDUM FOR THE ATTORNEY GENERAL
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Modification #2 to Department of Defense (DoD) Freedom of Information Act (FOIA) Improvement Plan for Executive Order (EO) 13392, Improving Agency Disclosure of Information, June 14, 2006

On behalf of the Secretary of Defense and as the DoD Chief FOIA Officer, I hereby submit Modification #2 to the DoD FOIA Improvement Plan dated June 14, 2006. The DoD FOIA Improvement Plan, to maintain viability, continues to be an evolutionary process requiring periodic adjustments in both pace and direction. This Modification revises milestones in three FOIA Improvement Areas: Organizational Structure and Manning (Objectives 1 and 2); Training (Objective 2); and Resources/Backlog (Objective 2). The following information provides the rationale for these changes.

- Organizational Structure and Manning:
    - Objective 1 requires quarterly progress reports from the DoD Components. This requirement was open-ended without a date for the final status report. That date, September 30, 2007, is now reflected in the DoD Plan.
    - Objective 2 requires change due to the DoD transition to the National Security Personnel System (NSPS). After the DoD FOIA Improvement Plan was submitted, it was discovered that NSPS would provide a better opportunity to meet this objective (standardized job series and GS levels for FOIA personnel) than pursuing this initiative through the Office of Personnel Management. Therefore, it was necessary to revise the objective and its milestones. Revised milestones provide realistic dates to accomplish the necessary staffing within DoD to meet this objective.
- Training: Two milestones for Objective 2 were withdrawn. These two milestones required the outsourcing for the development of online FOIA training modules. However, using internal resources, the Department was able to develop these modules without having to resort to outsourcing. Because the overall objective was met (Develop a DoD FOIA online

training capability within a newly created Defense Freedom of Information Policy Office Website), these two milestones became irrelevant and were withdrawn. They will not be reported as unmet milestones in the DoD Annual FOIA Report.

- Resources/ Backlog: On December 12, 2006, the DoD Comptroller, through Program Budget Decision 704, directed offset funding to support DoD Component FOIA Programs. This unprecedented funding support caused a reevaluation and revision of the milestones necessary to meet Objective 2, as reflected in the attached Modification.

This Modification has been added as Part I of the Table of Contents to the DoD FOIA Improvement Plan. See attachment 2. Additional Modifications to the DoD Plan will be published, as required, as the Department continues to refine policies, procedures, and resource allocations to improve FOIA customer service and to reduce FOIA case backlog.

Michael B. Donley
Director

Attachments:
1. Modification #2
2. Revised Table of Contents

Attachment 1

Part I – Modification # 2 to DoD FOIA Improvement Plan
(Revised milestones in bold font.)

E.1. Name: Organizational Structure and Manning

- **Objective 1: Optimal organizational placement of FOIA Offices –** Provide guidance to DoD Components on the optimal organizational placement of FOIA Offices. The survey revealed that DoD FOIA Offices are placed within a variety of different organizational elements. In some instances, FOIA Offices are within a functional organization like IT systems and services that are unrelated to the FOIA mission. This occurs at all levels of DoD. The goal is to determine where the FOIA Offices are currently placed and to establish consistent standards within the Department to maximize the effectiveness of all FOIA Offices. The intent is to raise the visibility and level of importance of the FOIA Office to more effectively garner senior leader support.

- **Steps to be taken:**

    - Survey DoD Components to determine where FOIA Offices are currently placed and to solicit recommendations for optimal placement in their organizational structures
    - Analyze DoD Component responses
    - Develop a DoD proposal for optimum FOIA Office placement at all DoD levels

- **Revised Milestones:**
    - Jun 30, 2006 – DoD Components requested to provide recommendations for the optimum organizational placement of their FOIA Offices; response due Aug 15, 2006
    - Sep 15, 2006 – DFOIPO memo published recommending where DoD Components should place their FOIA Offices
    - **Jan 15, 2007 – DoD Components provide initial progress reports on implementation and quarterly thereafter until September 30, 2007**
    - Dec 2007 – DoD Components implement changes to organizational structure

- **Means of measuring success/outcomes:**
    - DoD Components implement organizational changes
    - FOIA Offices are more visible and effective

- **Objective 2: Standardized job series and GS levels for FOIA personnel –** The review revealed a multitude of job series for DoD FOIA personnel that may be affecting their job advancement opportunities and professional training and development. Additionally, the review suggests that there are DoD civilian personnel

performing critical FOIA functions at improperly low grade levels. One objective is to establish a standard job series for FOIA personnel within DoD and work towards the establishment of an Office of Personnel Management (OPM) career field for FOIA personnel across all Federal Agencies. Another objective is to standardize grade levels of DoD FOIA personnel. To support these goals, a standardization of position descriptions within DoD is warranted.

- **Steps to be taken:**
  - DoD Components recommend one single job series for civilian FOIA personnel, and to offer recommendations on standardizing grade levels for civilian personnel in the FOIA job series
  - DFOIPO publishes recommended wording to be used within the position descriptions of DoD FOIA personnel
  - With the assistance of the Human Resources Directorate (HRD) of Washington Headquarters Services, DFOIPO attempts to establish a specific job series for FOIA personnel within DoD
  - DFOIPO establishes recommended standard grade levels for DoD personnel processing FOIA requests
  - Once these standards are established within DoD, DFOIPO works with HRD and OPM to establish standards for job series and grade levels for FOIA personnel government wide

- **Revised Milestones:**
  - Jul 14, 2006 – DoD Components requested to provide input and recommendations on job series and grade levels for FOIA personnel; responses due Oct 30, 2006
  - Sep 15, 2006 – DFOIPO publishes standard position descriptions for DoD FOIA personnel
  - Feb 2007 – DFOIPO establishes specific job series and designates grade levels for DoD FOIA personnel
  - **Dec 2007 – DFOIPO submits request to HRD to establish a FOIA/PA specialty within the GS-0301 Miscellaneous Administration and Program Series for the DoD**
  - **Jan 2008 – DFOIPO submits request to HRD to begin process of creating a new FOIA/PA occupational series within the DoD**
  - **Mar 2008 – HRD submits request to Civilian Personnel Management Service for the creating of a new FOIA/PA occupational series within the DoD**

- **Means of measuring success/outcomes:**
  - Establishment of standard job series for FOIA personnel within DoD
  - Establishment of standard grade levels for DoD FOIA personnel
  - Standard position descriptions of FOIA personnel that accurately reflect the responsibility and authority required of the FOIA function

- DoD FOIA personnel transitioned into common job series at appropriate grade levels
- Long range – Establishment by OPM of a government wide FOIA Career Field with centralized oversight of professional development and staffing standards.

E.2. Name: Training

- **Objective 2: Develop a DoD FOIA online training capability within a newly created DFOIPO Website –** A comprehensive online DoD FOIA training capability designed to reinforce resident training will keep DoD FOIA personnel current as well as provide a starting point for incoming personnel. The product, to be contracted, would provide basic and advanced training as well as to serve as an additional vehicle for DoD FOIA personnel to receive guidance from DFOIPO on policy matters and to get technical responses to specific policy or procedural questions.

- **Steps to be taken:**
  - FOIA online training capability submitted in the FY 08 budget
  - Process online training contract
  - DFOIPO works with contractor to establish content of training modules
  - Establish final training modules on DFOIPO Website

- **Revised Milestones:**
  - Aug, 2006 – Budget submission to OSD for FOIA online training
  - **Mar, 2007 – Submit bid to contract for the FOIA online project - Milestone withdrawn – online training modules were created in-house without the need for funding**
  - **Sep, 2007 – Contract awarded; development of training modules begins - Milestone withdrawn – online training modules were created in-house without the need for funding**
  - Jul, 2008 – Online training modules established on FOIA Website

- **Means of measuring success/outcomes:**
  - FY08 budget proposal approved to establish DoD online training project
  - Contract awarded to establish online training in FY 08
  - FOIA online training modules are established on DFOIPO Website
  - Access to online training Website measured to assure ever increasing use

E.4. Resources/Backlog

- **Objective 2: Fund additional FOIA personnel staffing required to reduce backlogs in FY 08 and beyond –** The DoD FOIA Review for EO 13392 has clearly revealed FOIA personnel shortages in FOIA Offices with backlogs. In the absence of specific appropriations from Congress for FOIA, budgeting for additional FOIA

personnel within DoD must be included in the FY 08 (and beyond) planning cycle. Accordingly, DFOIPO and the OSD FOIA Office requested additional resources in the FY 08 budget. To comply with the provisions of the EO, specific budgeting for FOIA resources must also be accomplished by DoD Components for their FOIA Offices with backlogs over 50.

- **Steps to be taken:**
  - DFOIPO/OSD FOIA Office submits FY 08 budget request
  - FY 08 funding sought for DoD wide increased manpower staffing to include consideration of both Federal civilian and contractor personnel.

- **Revised Milestones:**
  - Jun, 2006 – DFOIPO/OSD FOIA Office submits FY 08 budget requirements
  - Aug 15, 2006 – Funding request submitted for increased staffing plan developed for targeted FOIA Offices
  - **Sept. 18, 2006 – DoD Chief FOIA Officer submits FOIA funding request to DoD Comptroller**
  - **Dec. 12, 2006 – Program Budget Decision 704 (PBD-704) issued directing FY 08 offset funding to address FOIA backlog**
  - **Apr, 2007 – Obtain status/progress from WHS/OSD and DoD Comptrollers of execution of FOIA offset funding within PBD-704**
  - **Oct, 2007 – Obtain status/progress from WHS/OSD and DoD Comptrollers regarding specific DoD funding allocations as directed within PBD-704**
  - **Mar, 2008 – Depending upon progress of PBD-704 execution, hiring process begins for new contractor FOIA personnel within DFOIPO and OSD FOIA Office**
  - FY 08 – **Depending upon progress of PBD-704 execution**, increased FOIA staffing across DoD

- **Means of measuring success/outcomes:**
  - The FY 08 budget approved for OSD FOIA operations to include increased staffing for DFOIPO to implement this Improvement Plan
  - The FY 08 budget approved for DoD wide increased manpower staffing plan
  - New FOIA personnel are hired in DFOIPO/OSD FOIA Office
  - FOIA Offices that routinely have backlogs over 50 are adequately staffed commensurate with FOIA workload
  - Long Term – FOIA backlogs are significantly reduced

Attachment 2

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C. Director of Administration and Management Memorandum, Executive Order 13392 on the Freedom of Information Act (FOIA) – DoD Implementation, February 1, 2006
D. Chief Defense Freedom of Information Policy Office Memorandum, DoD Implementation of Executive Order 13392 on the Freedom of Information Act (FOIA), February 10, 2006
E. Department of Defense Freedom of Information Act Program Survey
F. Chief Defense Freedom of Information Policy Office Memorandum, Executive Order 13392 – Review of DoD FOIA Program, March 24, 2006
G. Department of Defense Freedom of Information Act (FOIA) Program Study, May 19, 2006